

AMENDMENT TO THE DRAWING

Please replace the drawing figure with the attached replacement sheet of formal drawing figure. In the replacement sheet, reference number 14 is added at the bottom of the figure consistent with the specification.

Attachment: Replacement Sheet

REMARKS

I. INTRODUCTION

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

II. STATUS OF THE CLAIMS

Claims 1-3, 5-8, and 11-13 are pending; claims 1-3 and 5-7 are amended and claims 4, 9 and 10 are canceled. Claims 1 and 8 are independent claims. It is respectfully submitted that no new matter is added herewith.

III. SUMMARY OF THE OFFICE ACTION

In the outstanding Office Action, the drawing figure is objected to under 37 C.F.R. § 1.121(d) and 37 C.F.F. § 1.83(a); the specification is rejected under 35 U.S.C. § 112, first paragraph for being replete with terms that are not clear, concise and exact; claims 1, 2, 4-6 and 10 are rejected under 35 U.S.C. § 112, second paragraph; claims 1-3, 6, 8, 9 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Published Application No. 2002/0095870 to *Praud et al.* in view of DE 10057352 to *Hoepper et al.*; claims 4 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Praud et al.* and *Hoepper et al.* and further in view of U.S. Patent No. 5,715,630 to *Szerdahelyi et al.*; and claims 5, 7, 11 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Praud et al.* and *Hoepper et al.* in view of U.S. Patent No. 3,591,983 to *Hanson*.

IV. ARGUMENTS

A. Objections to the Drawings

In the Office Action, the drawing figure is objected to under 37 C.F.R. § 1.121(d) and 37 C.F.R. § 1.83(a). In response, Applicant submits a replacement drawing figure which removes the shading and also clarifies the number of points of contacts. With regard to the means for driving and the lock, those features have been deleted from the claims. In particular, claims 4, 9 and 10 are canceled and the recitation of a means for driving in claim 1 has been deleted.

Therefore, Applicant requests acceptance of the replacement drawing figure and withdrawal of the objections under 37 C.F.R. § 1.121(d) and 37 C.F.R. § 1.83(a).

B. The rejection to the specification under 35 U.S.C. § 112, first paragraph:

In the outstanding Office Action, the specification is rejected under 35 U.S.C. § 112, first paragraph for having terms that are not clear, concise and exact. In response, a substitute specification is submitted herewith. The substitute specification deletes unclear terms and clarifies language such as, "points of contact" and "means for driving". Applicant believes the substitute specification is clear and concise.

A marked-up version of the specification is also attached. Applicant submits that no new matter is added. In view of the substitute specification, it is respectfully submitted that the specification now complies with 35 U.S.C. § 112, first paragraph.

C. The rejection of Claims 1, 2-6 and 10 under 35 U.S.C. § 112, second paragraph

In the outstanding Office Action, claims 1, 2-6 and 10 are rejected under 35 U.S.C. § 112, second paragraph. In response, Applicant has reviewed the claims carefully for any indefinite

language and have made amendments accordingly. For example, claims 1, 2, and 5-7 are amended to delete any recitation of “as high as possible” or “as low as possible.” Applicant believes the claims as amended are definite and respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

D. The rejection of Claims 1-3, 6, 8, 9, and 12 under 35 U.S.C. § 103(a)

In the outstanding Office Action, claims 1-3, 6, 8, 9 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. PG Pub 2002/0095870 to *Praud et al.* and in view of DE 10057352 to *Hoepper et al.* The rejections are respectfully traversed.

Independent claim 1 recites, among other elements, a first guide and slider assembly in the frame of the vehicle door, and a second guide and slider assembly provided in the track of the window lift assembly, wherein the structure of the window lift assembly defines a first distance between two points of contact of the slider in the track measured on a line parallel to the track, a second distance from an upper edge of the pane to a fastening point of the slider of the first assembly in the pane; a third distance from an end of the track to the points of contact; and a fourth horizontal distance between two points of contact of the slider in the track.

Initially, Applicant submits that *Praud et al.* either alone or in combination with *Hoepper et al.*, fails to disclose a second guide and slider assembly. Instead, *Praud et al.* teaches only a single sliding block 43. The Examiner suggests that a second guide and slider assembly is taught by *Hoepper et al.* and that it would have been obvious to modify the assembly of *Praud et al.* to provide stability. However, like *Praud et al.*, *Hoepper et al.* teaches only a single guide 8 and slider 7 assembly. Accordingly, neither *Praud et al.* nor *Hoepper et al.* teaches two guide and slider assemblies. Although the Examiner asserts that dual guide and slider assemblies are well

known in the art, none of the prior art cited by the Examiner shows a window lift with more than one guide and slider assembly. Moreover, it would not have been obvious to add the guide and slider of *Hoepper et al.* to the lift of *Praud et al.* because such would obstruct the operation of the sliding block 43 of *Praud et al.*. The Examiner has provided no explanation about how the window lift of *Praud et al.* could be physically modified to include the guide and slider of *Hoepper et al.* Additionally, one skilled in the art would not be motivated to duplicate parts by adding a second guide and slider assembly because such a modification would increase the complexity of the window lift as well as costs.

Even assuming the combination of *Praud et al.* and *Hoepper et al.* teaches dual glide and slider assemblies, neither reference teaches the specific structure of the window lift recited in claim 1, including the first, second, third and fourth distances. Additionally, the cited prior art fails to teach that the third distance is more than 100mm.

Independent claims 8 recites, among other elements, a first guide and slider assembly in an upper portion of the door frame, and a second guide and slider assembly provide in a lower portion of the door frame. As discussed above with respect to claim 1, *Praud et al.* either alone or in combination with *Hoepper et al.*, fails to teach a window lift with both first and second guide and slider assemblies, much less a window lift with one guide and slider assembly at an upper portion of the door frame and one at a lower portion of the door frame.

In view of the discussion above, a prima facie case of obviousness with respect to the claimed invention has not been established because the cited prior art fails to teach all of the claim limitations of independent claims 1 and 8. It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Dependent claims 2-3, 6, 7, 9 and 11-13 are also believed to be allowable for the same reasons discussed above. Moreover, these claims recite additional features not found in the prior art. For example, claim 2 recites that the fourth distance is less than or equal to the third distance; claim 3 recites that the third distance has a value ranging from 100 to 150 mm; and claims 5 and 6 each recite, among other elements, the value of the third distance is less than 150 mm. Also, dependent claim 11 recites that the first slider is fitted in a track and provides a single point of contact inside of the second guide and slider assembly allowing rotation of the second slider; claim 12 recites that the first slider is fitted in a track and is completely guided without possibility of rotation; and claim 13 that the first slider is fitted in a track and has a single point of contact, the pane completely resting on the frame.

E. The rejection of Claims 4 and 10 under 35 U.S.C. § 103(a)

In the Office Action, claims 4 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Praud et al.* and *Hoepper et al.* and further in view of U.S. Patent No. 5,715,630 to *Szerdahelyi et al.* By the present amendment, claims 4 and 10 are canceled.

F. The rejection of Claims 5, 7, 11 and 13 under 35 U.S.C. § 103(a)

In the Office Action, claims 5, 7, 11 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Praud et al.* in view of *Hoepper et al.* as applied to claims 1 and 8, and further in view of U.S. Patent No. 3,591,983 to *Hanson*. The rejections are respectfully traversed.

As discussed above regarding claims 1 and 8, *Praud et al.* either alone or in combination with *Hoepper et al.*, fails to teach a window lift with both first and second guide and slider

assemblies. Moreover, *Hanson* fails to cure the deficiencies of the proposed *Praud et al.* and *Hoepper et al.* combination.

Accordingly, a prima facie case of obviousness with respect to dependent claims 5, 7, 11 and 13 has not been established. It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn.

V. CONCLUSION

In view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (001058-00023). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicants hereby petition under 37 C.F.R. 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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Date: March 2, 2009

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